

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1547-1  
Albany/Albany Township  
Pursuant to Minnesota Statutes 414

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

The joint resolution for orderly annexation submitted by the City of Albany and Albany Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On April 9, 2013, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on March 6, 2013 and the Township on March 25, 2013, and duly filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on March 29, 2013.
2. The joint resolution requests the designation and immediate annexation of certain property to the City of Albany described as follows:

That part of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 21, Township 125 North, Range 31 West, Stearns County, Minnesota described as follows: Beginning at the northeast corner of said SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence South 88° 53' 28" West, (assumed bearing) along the north line of said SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 484.00 feet; thence South 00° 00' 00" East, parallel with the east line of said SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , a distance of 331.89 feet to the northeasterly right of way line of County Road No. 41; thence South 46° 46' 05" East, along said right of way line, a distance of 298.44 feet; thence continue southeasterly along said right of way line, along a tangential curve concaved to the southwest having a central angel of 7° 57' 28" a radius of 1004.93 feet and an arc length of 139.58 feet; thence leaving said curve North 51°05' 53" East, a distance of 178.30 feet; thence North 90° 00' 00" East, a distance of 33.00 feet to the east line of said SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; thence

North 00° 00' 00" West, along said east line, a distance of 536.07 feet to the point of beginning. Containing 5.74 acres, more or less.

3. Minnesota Statutes § 414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes § 414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

#### **CONCLUSIONS OF LAW**

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

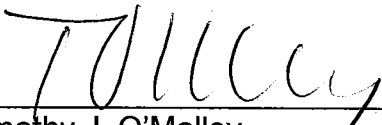
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

#### **ORDER**

1. The property described in Findings of Fact 2 is annexed to the City of Albany, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, Albany Township will be reimbursed by the City of Albany in accordance with the terms of the Joint Resolution signed by the City on March 6, 2013 and the Township on March 25, 2013.

Dated: April 9, 2013

  
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Timothy J. O'Malley  
Assistant Chief Administrative Law Judge  
Municipal Boundary Adjustment Unit